TABLE OF CONTENTS

MISCELLANEOUS DOCUMENTS

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN:	604-03677-1738-091	Date:	09-11-04	Time:	1003
Location:	[redacted] McGARY AVENUE, LOS ANGELES				
City or Station:	CENTURY STATION				
Bureau/Station/Facility:	CENTURY STATION	Admin. Investigation:	YES ☒ NO ■		

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	MEZA	JORGE	A.
[redacted]	ROJAS	JESUS	J.
[redacted]	[redacted]	[redacted]	S.

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
NONE				

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	MEEDER	BRIAN	A.	SGT.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	CONNOR	MICHAEL	J.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	RAMPONE	NICHOLAS	G.

Watch Commander's Signature: ______________________ Emp #: __________

Copy Provided to Employee by: ______________________ Emp #: __________

Supervisor Completing Form: WILLIAM HINES (Print) Emp #: [redacted]

Unit Commanders Signature: ______________________ Emp #: __________ Date Signed: __________

PSTD Use Only

FO# 2128318

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

SH-R-438 Rev. 10/98

See Reverse

Supervisor's Report on Use of Force

URN: 604-03677-1738-091

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	CT	NN	
S#1	E#1	UC	NN	
E#2	S#1	CT	NN	
S#1	E#2	RS	NN	
E#2	S#1	RH	NN	
E#3	S#1	PH	DI	EL
S#1	E#3	RS	NN	
E#4	S#1	PH	FR	FA

See Front Side

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 604-03677-1738-091

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	B	CENTURY STATION	[redacted]

Shift	Duty	Age	Height	Weight
☐ EM [redacted] Day ☐ PM	[redacted] Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	[redacted]	[redacted]

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	Force
☐			Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	CENTURY STATION	[redacted]

Shift	Duty	Age	Height	Weight
☐ EM [redacted] Day ☐ PM	[redacted] Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	[redacted]	[redacted]

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	CENTURY STATION	[redacted]

Shift	Duty	Age	Height	Weight
☐ EM [redacted] Day ☐ PM	[redacted] Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	[redacted]	[redacted]

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☒

E4

Employee #	Last Name	First Name	Middle Name
443556	REYNAGA	HUGO	HUBBLE

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	CENTURY STATION	217A

Shift	Duty	Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	6' 1"	200

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift	Duty	Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift	Duty	Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Force
☐			Directed Force ☐ Significant Force ☐

See Other Side

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 604-03677-1738-091

Suspect Information

S1

Last Name	RODRIGUEZ	First Name	OSCAR	Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☒ Male ☐ Female	H	[redacted]	[redacted]	[redacted]

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
[redacted]	[redacted]	20	5' 6"	02-02-84	130	☐

Booking #: 8272829 Primary Charge: 10851 CVC Secondary Charge: Criminal History [redacted]

Hospital Admission? ☐ Rec'd Treatment At: WHITE MEMORIAL MEDICAL CENTER Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☒ NO Substance: ______ Photos of Suspect's Injuries ☒ YES ☐ NO

Suspect Interview

Date:	Time:		
09-11-04	1644	Audiotape: ☒	Videotape: ☐

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______ Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:		
		Audiotape: ☐	Videotape: ☐

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______ Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:		
		Audiotape: ☐	Videotape: ☐

See Other Side

INVESTIGATIVE NARRATIVE
SIGNIFICANT USE OF FORCE
FRACTURED FACIAL BONE AND DISLOCATED ELBOW
IAB FO 2128318
URN: 604-03677-1738-091

On Saturday, September11,2004, Sergeants William Hines and Elier Morejon and Lieutenant Stacy Lee of the Internal Affairs Bureau responded to Century Station, regarding a Significant Use of Force which resulted in the suspect sustaining a fractured facial bone and dislocated elbow. The incident occurred at about 1003 hours; however, the fracture was not discovered until later at the hospital. The involved deputies and witness deputies chose not to speak with IAB investigators without the presence of their attorney.

The narrative of this incident is based on information obtained from interviews of the involved employees and related reports. **Refer to Exhibits A through G-Incident Report and Supplemental Reports**

<u>INVOLVED PERSONNEL:</u>

[redacted], Deputy, # [redacted]
[redacted], Deputy, # [redacted]
[redacted] Deputy, # [redacted]
<u>REYNAGA,</u> Hugo, Deputy, # [redacted]
Century Station
Field Operations Region II

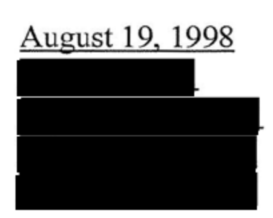
<u>EMPLOYEE WORK HISTORY:</u>

[redacted]



Date of Employment: [redacted]
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted]



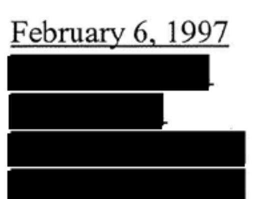
Date of Employment: <u>August 19, 1998</u>
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted]

Date of Employment: July 30, 1990
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

REYNAGA, Hugo

Date of Employment: February 6, 1997
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]



SUSPECT:

RODRIGUEZ, Oscar M/H/20

Suspect Rodriquez' Criminal History indicates that he has been arrested [redacted] **Refer to Exhibit H-Suspect's Criminal History, Booking Package and Probable Cause Declaration**

WITNESSES:

Sworn:
Deputy Jorge Meza
Deputy Jesus Rojas
Deputy [redacted]

Civilian:
None

INJURIES:

Suspect Rodriguez sustained a fractured left cheek bone and a dislocated left elbow. He was treated at White Memorial Medical Center by Dr. Mel Webb. **Refer to Exhibit I-Photographs of Suspect's injuries and Photographs depicting lack of injuries to his back**

Suspect Rodriguez was given an approval for booking. **Refer to Exhibit J-Medical Release Form and Approval to book**

PHYSICAL EVIDENCE:

None

INVESTIGATOR OBSERVATIONS:

The location of the incident was [redacted] McGarry Avenue, Los Angeles. Investigators did not go to the area of the incident.

WEAPONS USED BY DEPUTY PERSONNEL:

Personal weapons

WEAPONS USED BY SUSPECT:

Resistance

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR/CHARGES FILED:

On September 14, 2004, Detective Richard Martinez filed with the Deputy District Attorney Daniel, Hill Street Court, the following charges: Count 1-Eluding/Fleeing from Pursuing Officer, 2800.2 CVC; Count 2-Taking a Vehicle Without the Owner's Consent, 10851(a) CVC; Count 3-Receiving Stolen Property, 496d(a) PC. **Case Number VA085022** **Refer to Exhibit K-Supplemental Report by Detective Martinez**

On September 21, 2004, Rodriguez appeared in Division 69 of the Los Angeles Metropolitan Court. As part of a plea bargain agreement, Rodriguez pled guilty to Count 1 and Count 2. Count 3 was dismissed. Mr. Rodriguez was placed on 3 years of formal probation and ordered to serve 180 days in the County Jail.

LIGHTING AND WEATHER CONDITIONS:

This incident occurred during the morning hours at about1000 hours. The weather was warm and clear.

INVOLVED EMPLOYEE'S STATEMENTS:

Deputies [redacted], and [redacted] were interviewed by Sergeants William Hines and Elier Morejon at the Internal Affairs Bureau on September 30, 2004. Deputy Reynaga was interviewed on October 22, 2004. Also present during their interviews was John Birke, from Green and Shinee. Prior to being interviewed all deputies read and signed the Administrative Rights Force Review Form. The interviews were recorded and are summarized as follows:

DEPUTY [redacted]

Deputy [redacted] told Internal Affairs Bureau investigators that at the time of the incident, he was assigned to Century Station. He was working a two person car in Unit [redacted]. His partner was Deputy [redacted]. Deputy [redacted] was the bookman.

Deputy [redacted] gave the following account of the incident to IAB investigators:

He and his partner tried to conduct a "door to door" traffic stop on a vehicle that they believed was possibly stolen. Deputy [redacted] said his partner spoke to the driver of the car and the driver "ended up taking off." Believing that the car was stolen, Deputy [redacted] and his partner initiated a Code 9 in order to get additional units and an Aero unit. As back-up units arrived, the driver started driving on the wrong side of the street and eventually on the sidewalk. At this point, they initiated a pursuit and the Aero unit called the pursuit. A short time later, the pursuit was cancelled and a Surveillance Mode was initiated. Ultimately, they were directed to 59th and McGarry Avenue where the suspect had left the vehicle and started to run away. Deputy [redacted] said he and his partner were the third car at the time, in "a little congo line" and arrived at the scene. Deputy [redacted] exited the patrol car and ran to where the suspect was already surrounded by other deputies. At this point, Deputy [redacted] grabbed the suspect's right arm and brought it behind the suspect's back, where it was cuffed by Deputy [redacted]. Deputy [redacted] then picked up the suspect and escorted him to a radio car. [redacted] was unsure whose radio car it was. The suspect was placed in the rear seat and Mirandized by Deputy [redacted] The suspect "gave a couple of statements" and then started to complain about pain to his left arm. Fire and paramedics were requested and responded and treated the suspect. Deputy [redacted] said that he did not know the extent of the suspect's injuries. The suspect was later taken to the hospital by another unit; however, Deputy [redacted] was unsure who transported the suspect. Deputy [redacted] said he never found out the extent of injuries to the suspect.

Follow-up Questions:

Deputy [redacted] was asked to describe the original attempted traffic stop and the street. He described 62nd Street as a very narrow residential street without lanes. They drove past the suspect, who was stopped for a stop sign, and noticed that his car did not have a rear plate. Deputy [redacted] then backed up the patrol car so that it was next to the suspect. As Deputy [redacted] was beside the suspect's car, he spoke to the suspect and asked him if he owned the car. While Deputy [redacted] was asking the

suspect questions, Deputy [redacted] was looking at the suspect's car and noticed it was missing lug nuts on the wheels, missing the gear shift knob, and graffiti was inside the car. Deputy [redacted] said that based on his training and experience, this was consistent with that of a stolen vehicle. Deputy [redacted] acknowledged that they had not confirmed that the vehicle was stolen at this point.

The suspect sped away, turning left onto Compton Avenue, and they lost sight of him. Deputy [redacted] turned his patrol unit around and drove after the suspect; however, Deputy [redacted] said that they were not in pursuit of the car, nor did they have their red lights or siren activated. They then attempted to locate the suspect by driving in his last known direction. At this point, while looking for the suspect's car, Deputy [redacted] acknowledged that he had not put anything out over the radio regarding the possible stolen vehicle.

Deputy [redacted] said that within approximately two to three minutes, they eventually located the suspect at 61st Street and Naomi Avenue. At this point, Deputy [redacted] said that he used the "direct channel" of his radio and requested additional units to his location. He subsequently initiated a Code 9 over the regular frequency and in about three to five minute, three additional units arrived to assist. The Aero unit then arrived and took over the coordination.

According to Deputy [redacted], at this point, prior to the activation of any red lights or sirens, the driver, who was on 63rd Street, started driving on the wrong side of the road and on the sidewalk and people were on the sidewalk. Deputy [redacted] then initiated a pursuit of the suspect. The Aero unit continued to handle the coordination of the pursuit. After approximately one minute, the pursuit was terminated by the Watch Commander and all units went into a Surveillance Mode.

When specifically asked the reason for the pursuit at that point, Deputy [redacted] said, "I... we're just... We didn't put out a pursuit. Aero took over the pursuit. We said, 'hey this guy's getting a little reckless we're going to initiate a pursuit of the car.' " Deputy [redacted] was then asked, "In your mind, you initiated a pursuit of what?" Deputy [redacted] answered, "A stolen vehicle. But also, a reckless vehicle, based on him being on the sidewalk." Deputy [redacted] acknowledged that he did not put that information out over the radio. He said the reason that he didn't was because he didn't have the opportunity because the Aero unit had taken over the pursuit. Deputy [redacted] acknowledged that it was his responsibility to put out the reason for the pursuit, but again said he couldn't put out the reason because the Aero unit had taken over the pursuit.

> **IAB Note:** At this point in the interview, it was pointed out to Deputy [redacted] that it is important and policy that the Watch Commander be told the reason for a pursuit. Deputy [redacted] again acknowledged that that is important, but said, "What am I supposed to do, step on Aero?" Investigators suggested that would be a possible solution and Deputy [redacted] replied, "Officer safety wise, no. I disagree with you. Officer safety wise is to keep the air clear, so Aero can call whatever he wants to call."

Deputy [redacted] was asked if he was familiar with the Pursuit Policy regarding stolen vehicles and possible stolen vehicles and he said, "No, not word for word." When asked what the policy essentially states, Deputy [redacted] said, "Yeah, we don't pursue stolen vehicles."

> **IAB Note:** The Pursuit Policy was then shown to Deputy [redacted]. He was then asked if he understood the policy on the date of the pursuit. Deputy [redacted] said, "Yeah, that's fine, but that's not the only reason we pursued the vehicle." He further explained that they did pursue the stolen vehicle, but the reason they initiated the pursuit was because the suspect was driving recklessly on the sidewalk. They were only Code 9, up to the point that the suspect started driving recklessly. When asked if we pursue reckless drivers, Deputy [redacted] said, "Possibly, if they are under the influence of any kind of ... whatever we can test for after that time, yes." Deputy [redacted] then said, "Just so it is clear, we were Code 9 on a possible stolen vehicle. In my mind it was a stolen vehicle. And when we kicked it up to a pursuit, that was based on his actions, on him being the suspect of him driving on the wrong side of the road, a little bit of speed, excess speed, and him driving on the side walk." When asked, Deputy [redacted] acknowledged that he did not put out this information on the radio because Aero was calling the pursuit.

> **Additional IAB Note:** The audio tape of the radio traffic indicates that Deputy [redacted] initially requested the patch. Once on the patch he advised, "217B, we're going to be Code 9 behind a possible... actually it's a 10-29 Victor. "We are now eastbound 58th Drive from Compton. Give me three additional units code and an air ship." A siren can be heard in the background during the broadcast. **Refer to Exhibit L-Audio tape of the radio traffic and Refer to Internal Criminal Investigation Bureau's case book, Page 13 through 18 for a complete transcription of the radio traffic**

When asked, Deputy [redacted] said that once the pursuit went into a Surveillance Mode, they did not have their red lights or siren activated. Deputy [redacted] said that initially during the Surveillance Mode, they were behind the suspect; however, once the suspect made some turns, they stopped following and only paralleled the suspect. He said that he and his partner did not follow the suspect with their red lights and siren activated.

> **IAB Note:** A possible intermittent siren can be heard in the audio tape of the radio traffic during one point of the Surveillance Mode.

According to Deputy [redacted] report, the Surveillance Mode covered several different surface streets in the area and lasted approximately eight minutes.

Once the suspect stopped, Aero advised the location of the suspect. Deputy [redacted] and his partner arrived at the suspect's location along with the other responding units. Deputy [redacted] said there were

units in front of him and behind him. Deputy [redacted] said that he did not see any other patrol car, with lights and sirens activated, ever behind the suspect's car.

According to Deputy [redacted] after arriving at the suspect's location, he saw the suspect getting up off the ground and running away. Deputy [redacted] did not know the reason that the suspect was on the ground. Once the suspect started running he fell down again. [redacted] said he did not know why the suspect fell. While the suspect was on the ground, Deputy [redacted] saw other deputies struggling to handcuff the suspect. Deputy [redacted] grabbed the suspect's right arm and placed it behind the suspect's back where Deputy [redacted] handcuffed it.

When asked who the deputies were that were struggling with the suspect, Deputy [redacted] said he could only recall seeing Deputies [redacted] and Meza. He added that the only reason that he was sure that he saw these two deputies was because they were facing toward him.

When asked to describe what the deputies were doing when he arrived, Deputy [redacted] said, "They... all I saw, the deputies were there and they were just... it looked like they were struggling to pull his arms and get him handcuffed. It just looked like a mess. Just everybody's over there and it looks like a mess. So we run over there, and I see his other arm, I grab his other arm, they already have his other arm, when I go 97 at the scene, they already have his right arm back and I just pulled his left arm and we hook him up and walk him to the car."

When asked to describe the struggle with the suspect, Deputy [redacted] said, "I mean it's... It doesn't... It just looks like deputies taking a guy into custody. I mean, I can't... I mean in terms of what I... I didn't see like a deputy doing a certain thing or I didn't see the suspect doing a certain thing. I didn't see that." When specifically asked, Deputy [redacted] said that he did not see either the deputies or the suspect kick or throw punches or elbows. When specifically asked if the suspect resisted in any way, Deputy [redacted] said, "I can't tell, being the third or fourth car back."

Deputy [redacted] said he did not see any deputy strike or kick the suspect, nor did he ever strike or kick the suspect. Deputy [redacted] said that while at the scene, and after the suspect was handcuffed, he advised Sergeant Meeder of the force he used. Deputy [redacted] did not know at which point during the incident that Sergeant Meeder arrived.

When asked it he ever heard the suspect say anything during the struggle, Deputy [redacted] said that the suspect said something to the effect of, "Sorry I ran."

At the conclusion of Deputy [redacted] interview, he was asked if he had anything to add or if he had any questions. He asked for a general explanation on the force review process. The purpose and process was explained to him at that time.

Refer to Exhibit A-Incident Report written by Deputy [redacted]

DEPUTY [redacted]

Deputy [redacted] told Internal Affairs Bureau investigators that at the time of the incident, he was assigned to Century Station. He was working a two person car in Unit [redacted] His partner was Deputy [redacted]. Deputy [redacted] was the driver.

Deputy [redacted] gave the following account of the incident to IAB investigators:

Deputy [redacted] and his partner saw a vehicle eastbound on 62nd Street toward Compton Boulevard. Deputy [redacted] turned westbound on 62nd Street and drove slowly past the vehicle and tried to make "eye contact" with the driver; however, the driver would not look at Deputy [redacted] Once he passed the vehicle, Deputy [redacted] looked in his rear view mirror and saw a paper plate on the rear of the vehicle. Deputy [redacted] stopped and backed up to the driver's window, while the driver was waiting for traffic to clear ahead of him. Deputy [redacted] said to the driver, something to the effect, "Hi, whose vehicle?" The driver refused to look at Deputy [redacted] through the open windows. Deputy [redacted] said that the car had four bald tires on the car and two lug nuts per tire were holding the tires on the car. Deputy [redacted] added that the inside of the car was disheveled and the driver still refused to look at him. Deputy [redacted] again said, "Hi, is that your car?" The driver looked at him with a "startled look" and then "took off." Deputy [redacted] turned around and attempted to locate the vehicle. They found the car in the area of Naomi Avenue and 61st Street. While they were attempting to locate the vehicle, they requested additional units on L-tac, to respond to their location.

Once Deputy [redacted] was behind the vehicle, the driver started accelerating away from them. [redacted] said that he did not activate his lights or siren; he only followed the vehicle at this point. At this point, Deputy [redacted] advised on the radio that they were Code 9 on a stolen car.

As they continued to follow, the driver continued to accelerate and would lock up his brakes when he made turns. Deputy [redacted] said at this point, they went into a pursuit of the vehicle. A short time later, Aero was overhead and started calling the pursuit. The pursuit was very short and it was cancelled by the Watch Commander and went into a Surveillance Mode. Deputy [redacted] estimated that the Surveillance Mode lasted approximately eight minutes. The suspect eventually entered a housing area called the Pueblos and went down a street which was being covered by other deputies, so the suspect had no way out. Deputy [redacted] was the third unit back, as he drove down the street.

As they arrived, Deputy [redacted] saw other deputies running after the suspect. Deputy [redacted] exited his patrol car and he ran up to where the deputies were trying to get the suspect's arms behind his back. Deputy [redacted] heard Deputy [redacted] yell, "Give me your arms, give me your hands!" Deputy [redacted] said, "When I got there, I handcuffed him and it was done."

The suspect was escorted to the patrol car by Deputy [redacted] The suspect was treated at the scene and later transported to the hospital. Deputy [redacted] said he later heard that the suspect sustained a fractured cheek and sprained arm.

Follow-up Questions:

Deputy [redacted] was asked why his Supplemental Report did not include any details of the Code 9, pursuit or Surveillance Mode. Deputy [redacted] said, "Due to the fact that my partner was writing the first report, which was going to contain all that information. I was told by my supervisor, to write a Supplemental Report regarding the termination pursuit." He said his supervisor was Sergeant Meeder. He added that after the incident, Sergeant Meeder told the involved deputies that he needed Supplemental Reports written regarding the force that was used after the pursuit.

Regarding the original observation of the suspect and the decision to back-up the patrol car to talk to the suspect, Deputy [redacted] was asked why he made the decision to back-up. Deputy [redacted] said, "The fact that he wouldn't make eye contact with me, the car had no plates on it, and I wanted to talk to him." Deputy [redacted] was then asked why he didn't continue past the vehicle, make a u-turn and come in behind the vehicle and make a traffic stop as opposed to backing up next to the driver of the vehicle. Deputy [redacted] said, "At that time it was just my decision to back up. There was other traffic coming my way, it's a narrow street, by the time I would have turned around, I may have not been able to talk to him." When asked if he had ever been trained to back up and place his radio car next to a potential suspect, Deputy [redacted] said, "No, I was not trained to back up." When asked if he thought backing up next to a suspect was a tactically safe move, Deputy [redacted] said, "Probably not, thinking back on it. But I backed up to talk to him and didn't feel he was going... I just wanted to see if he would talk to me because first of all he wouldn't look at me. So I'm trying to see if he would talk to me."

Deputy [redacted] said he did not activate his red lights and siren when he first attempted to locate the suspect's car.

Deputy [redacted] was asked what he felt he had at that point and he said, "At that point, a stolen vehicle." He acknowledged that he was unable to confirm that the vehicle was stolen. He felt the car was stolen based on his training and experience, the fact that the driver would not look at him or talk to him, tires held on by only two lug nuts, and the inside of the car was disheveled with graffiti inside. Deputy [redacted] added that the location they were in is a known area for dumped stolen cars.

When asked the reason for the pursuit, Deputy [redacted] said, "At that time, for the reckless driving, the danger he was putting the civilians, other vehicles. Again, driving at a high rate of speed, locking up his brakes on turns, wrong side of the road, and he got up on the sidewalk about the time Aero got overhead."

Deputy [redacted] said he basically understood the pursuit policy. He said we do not pursue possible stolen vehicles. Deputy [redacted] said that we can pursue reckless drivers when they are putting the public in danger. He added that when an Aero unit arrives, as in this situation, he would then go into a Surveillance Mode. When asked, Deputy [redacted] said he felt that the suspect in this incident was under the influence of something.

Deputy [redacted] could not exactly recall what Deputy [redacted] advised the Watch Commander that they were in pursuit of, but he believed Deputy [redacted] said it was a stolen car. He then said he later recalled hearing a tape of the pursuit and heard Deputy [redacted] say that they were in pursuit regarding the driving of the suspect and not because the car was stolen.

Deputy [redacted] said that he did not activate his red lights or siren at any time during the Surveillance Mode, nor did he see any other patrol car with their red lights and siren activated behind the suspect's car. Deputy [redacted] then said at one point during the Surveillance Mode there was "a lot of traffic coming" so he activated the lights and siren to get traffic to stop. He explained the reason for this was so they could stay in Surveillance Mode.

At the time Aero advised that the suspect had stopped, Deputy [redacted] said that he was on Holmes Avenue and 53rd Street. They then drove to the suspect's location near 53rd Street and McGarry Street. As he arrived, Deputy [redacted] said he saw the suspect fall to the ground. He also saw the doors of two patrol cars opening in front of him. It appeared to Deputy [redacted] that the suspect's car had rolled and hit a parked car. Deputy [redacted] said he exited his patrol car and could see the suspect running. As Deputy [redacted] ran around the patrol cars and reached the suspect, the other deputies were trying to control his arms. Deputy [redacted] placed his knee on the suspect's butt and handcuffed the suspect.

Deputy [redacted] said he recalled that Deputy [redacted] had his knee on the suspect's back and trying to pull the suspect's left arm back. Deputy [redacted] could hear the suspect yelling and screaming incoherently. Deputy [redacted] ordered the suspect to give up his left arm. Deputy [redacted] saw Deputy [redacted] run up and pull the suspect's right arm back. Deputy [redacted] said another deputy arrived and controlled the suspect's legs; however, he could not remember who. Deputy [redacted] reiterated that as he ran up, Deputy [redacted] was pulling out the suspect's left arm and Deputy [redacted] already had the right arm back. Deputy [redacted] then handcuffed the left hand first, then handcuffed the right hand.

Deputy [redacted] said that he did not see any deputy strike or kick the suspect, nor did he strike or kick the suspect. No one struck the suspect after he was handcuffed.

Deputy [redacted] reported his force and force witnessed to Sergeant Meeder while at the scene. Deputy [redacted] was asked why he did not include in his Supplemental Report the fact that he reported his force to Sergeant Meeder and he related that he omitted that from his report in error.

When asked, Deputy [redacted] explained that he placed his knee on the suspect's butt because the suspect's "legs were still squirming back and forth." Deputy [redacted] only handcuffed the suspect, he didn't assist in pulling either arm behind.

Refer to Exhibit B-Supplemental Report written by Deputy [redacted]

DEPUTY [redacted]

Deputy [redacted] told Internal Affairs Bureau investigators that at the time of the incident, he was assigned to Century Station. He was working with his partner, Deputy Jesus Rojas in Unit [redacted]. Deputy Rojas was the driver. He started his shift at 0700 hours.

Deputy [redacted] gave the following account of the incident to IAB investigators:

He heard a Firestone unit get on the patch and go Code 9 behind a stolen vehicle. It then went to a pursuit. Deputy [redacted] said he made his way up to Firestone and quickly went into a Surveillance Mode. When he was northbound on Holmes Avenue near Slauson Avenue, he located the vehicle. Deputy [redacted] said, "We just came across it, we weren't that far away from it, and all of a sudden here it is. It's barely moving, it's doing like maybe 10 MPH, all kinds of smoke coming from it." Deputy [redacted] believed at this point the car was "shot." He also saw that the driver's side door was open and there was one male Hispanic occupant. They thought that the suspect was going to "bail" from the car. The suspect then drove northbound on Holmes Avenue, then eastbound on 53rd Street. All the time, the car was barely moving with a large amount of smoke coming from it. As the suspect was on 53rd Street, they saw him lean over and open the passenger's side door. As the suspect went north on McGarry Street, he jumped from the driver's seat out the passenger's side door. Deputy [redacted] said that it was the "weirdest thing [he] ever saw." The suspect hit the ground, "flipped," got up and started running. The suspect did not have on any shoes. The car slowly continued northbound on McGarry. The suspect ran in front of the moving car and was hit by the car. The suspect then stumbled. It was Deputy [redacted] opinion that the car did not hit the suspect "very hard." The suspect fell down again, and he immediately jumped back up and continued to run in a northwest direction and "cut" between two parked cars. As the suspect cut between the two parked cars, Deputy [redacted] said, "I just see him fly, like superman. I don't know if he tripped on the curb or what, but he goes flying and lands on the grass in front of [redacted] McGarry." When the suspect landed, he was face down and had his left arm underneath him, in the waist area, and his right arm was straight out above his head. Deputy [redacted] said that he was the first deputy to come up on the suspect. Deputy [redacted] had his gun drawn in his right hand at the time. Deputy [redacted] put his knee on the suspect's lower back, and ordered the suspect to put his left arm behind his back. The suspect ignored the orders and screamed and yelled. Other deputies arrived and pulled on the suspect's left arm. Deputy [redacted] holstered his gun and used both his hands to grab the suspect's left arm and pulled it out, placing it behind the suspect's back. Deputy [redacted] grabbed the suspect's right arm and pulled it back. The suspect was then handcuffed.

At this point the suspect was picked up by a deputy, and placed in a radio car. Deputy [redacted] did not recall which deputy picked up the suspect.

Follow-up Questions:

When asked, Deputy [redacted] said that he believed the reason he assisted Unit [redacted] was for a Code 9 on a confirmed stolen vehicle. Deputy [redacted] said that he and his partner did not respond with red

lights and siren. They only paralleled the suspect's car, by monitoring the Aero Unit. They were driving on Holmes Avenue when the suspect actually pulled in front of them. The suspect was driving very slowly and looked as if the car was about to stop. Deputy [redacted] recalled that his unit was the first one behind the suspect, at least five car lengths behind, if not more. They did not have their red lights and siren on at the time. Deputy [redacted] and his partner were behind the suspect for about a "few hundred yards" before the suspect jumped from the car.

Regarding the suspect yelling and screaming, Deputy [redacted] did not recall any words coming from the suspect. Deputy [redacted] was not sure if the suspect was screaming out in pain, but said, "He could have been."

> **IAB Note:** Deputy [redacted] then referred to his Supplemental Report and acknowledged that he wrote on page 3, "S/1 would not and continued to scream and yell as if he was in pain." Deputy [redacted] said he did not observe any obvious signs of injury to the suspect.

When asked, Deputy [redacted] explained the reason that he put his knee on the suspect's back was to prevent the suspect from getting up. The suspect was moving around and Deputy [redacted] wanted to prevent the suspect from getting up and running again.

Deputy [redacted] recalled that Deputies [redacted] and Reynaga were the first deputies to arrive and assist in arresting the suspect.

When asked, Deputy [redacted] acknowledged that the suspect did not try to kick, elbow, or punch him, while [redacted] had his knee on the suspect's back.

Deputy [redacted] was asked if he ever had reason to believe that the suspect had a gun while on the ground and he answered, "It was in my mind, that's why I had my gun out." He felt the suspect could have had a gun in his left hand which was concealed beneath his body near his waist band. When asked specifically what caused him to believe the suspect might have a gun, Deputy [redacted] said, "He's a gangster, he's fleeing from a stolen car, my previous contacts, my numerous guns that I take to jail every week, the same manner. You can go over my reports if you like."

Deputy [redacted] said that he did not strike or kick the suspect in any manner. Deputy [redacted] said he did observe Deputy Reynaga strike the suspect. When asked to explain what he saw, Deputy [redacted] said, "You know, he was at the front of the suspect and I could see the motion with his hands, but I'm concentrating here (on suspect's left arm), so I believe he did strike him with his hands." Deputy [redacted] was asked what part of the suspect's body was struck and he said, "I guess somewhere around the head area." Deputy [redacted] related that Deputy Reynaga was near the suspect's head and facing the suspect's feet. Deputy [redacted] was on the left side of the suspect and Deputy [redacted] was on the right side of the suspect.

Deputy [redacted] heard other deputies also order the suspect to put his hands behind his back.

Deputy [redacted] reported his force to Sergeant Meeder at the scene. Deputy [redacted] could not recall if he reported the force he witnessed to Sergeant Meeder.

Deputy [redacted] was asked why he did not include the force used by Deputy Reynaga (striking the suspect in the head area) in his report and Deputy [redacted] said, "I figured he'd put it in his." Deputy [redacted] was then asked if he was familiar with the force policy and he said, "Yes." Deputy [redacted] then agreed that it was an oversight on his part and then he said, "I wasn't sure if he had struck him or not. It looked like he might have. I'm focused here. Did or didn't, that's on him. It looked like he did, but I wasn't sure. But yeah, oversight."

Refer to Exhibit C-Supplemental Report written by Deputy [redacted]

DEPUTY HUGO REYNAGA

Deputy Reynaga told Internal Affairs Bureau investigators that at the time of the incident, he was assigned to Century Station. He was working a two person car in Unit 217A. His partner was Deputy Meza. Deputy Reynaga was the bookman. He started his shift at [redacted] hours.

Deputy Reynaga gave the following account of the incident to IAB investigators:

Deputy Reynaga said that he and his partner assisted another unit regarding a Code 9 on a stolen vehicle. Deputy Reynaga recalled that they were the first unit to arrive behind the handling unit. The Code 9 went into a pursuit and lasted only seconds. The pursuit then was canceled and a Surveillance Mode was initiated. Deputy Reynaga and his partner broke away from the pursuit and paralleled the suspect's vehicle by direction of the airship. The pursuit ended in the area of 52nd Street and McGarry Avenue. Deputy Reynaga recalled that the Aero Unit advised that the suspect had exited his car and was running northbound. Deputy Reynaga and his partner took a containment spot at 52nd Street and McGarry Avenue. A few seconds later, Deputy Reynaga jumped from his patrol car and took a position on the corner. He looked south on McGarry Avenue and saw the suspect running on the grass area of McGarry Avenue. The suspect was yelling incoherently, while he was running. Deputy Reynaga said that when he saw the suspect yelling and running and deputies behind him (suspect), he believed that the suspect had been shot.

Deputy Reynaga said, "In the back of my mind I'm thinking, I thought he got... personally, I thought he got shot, and I just missed the gunshots. That's what I initially thought, because he's screaming like hysterically. Then he falls on the ground face first. The two deputies that were behind him, one grabbed hold of his hand, and the other guy is trying to get his other hand. They are not too far from me. I walk up to assist them. I hear [redacted] which is trying to get his left hand from underneath his body, tell him several times, 'Put your hands behind your back,' and the suspect doesn't comply. I struck the suspect twice, two maybe three times in the face, with my right fist. At which time he complied and his hand came out from underneath him and they were able to handcuff him."

Deputy Reynaga was not sure, but thought that the suspect went to the hospital after that point.

Deputy Reynaga said at that point, he and his partner received a radio call that was nearby. After handling the call, he returned to the location of the arrest after about ten minutes. The scene had been cleared and the involved deputies were all en route back to the Station.

Deputy Reynaga drove to the Station and there he then reported to Sergeant Meeder that he had struck the suspect in the face during the arrest. Deputy Reynaga did not recall if Sergeant Meeder was at the scene prior to him (Reynaga) leaving to handle the call.

Follow-up Questions:

When asked what he first recalled hearing regarding the call for assistance, Deputy Reynaga said, "I think he started off saying 'possible' then he went ahead and fixed himself and said, 'I'm Code 9 behind a 10-29 V. He thought this was over the "patch," but was not sure. They were nearby on a call at the time.

Deputy Reynaga related that they activated their red lights and siren when the Code 9 went to a pursuit. They were the second unit behind Deputy [redacted] when the pursuit started. The pursuit lasted approximately one minute. Deputy Reynaga said that he was able to see the suspect's vehicle. When asked what he saw the suspect doing, Deputy Reynaga said, "It was going around cars, it was going on the wrong side of the road, it was going through red lights. There was traffic stopped at a red light, I think at Gage and Central, he would go around on the opposite side of the road and then go north through a red light onto I believe Central." Deputy Reynaga said he did not see the suspect drive on the sidewalk. When asked if he felt the suspect was under the influence or just trying to evade arrest, Deputy Reynaga said, "I felt, he was evading arrest."

Once the Surveillance Mode started, Deputy Reynaga and his partner, shut down their red lights and siren and paralleled the suspect. They were directed by the Aero Unit.

While on the containment, Deputy Reynaga only saw the suspect running northbound toward him, he did not see the suspect's car stop, nor the suspect jump from the car. Deputy Reynaga recalled that the deputies that were originally running behind the suspect were Deputies [redacted] and [redacted]

When asked, Deputy Reynaga said that he did not recall hearing radio traffic that indicated that the suspect had a weapon.

Deputy Reynaga was asked what the first thing was that he observed the deputies do after the suspect fell down and he said, "They come up behind him, kinda crouch down, grabbing his hands. The deputy on the east side of him was [redacted] actually got a hold of his right hand and was trying to hold it in place behind his back." He added that the right hand was out in front of the suspect. He then saw Deputy [redacted] pulling on the left arm, near the elbow area, which is tucked underneath the suspect. Deputy Reynaga did not recall seeing any deputy near the suspect's feet or leg area. Deputy Reynaga said that he along with Deputies [redacted] and [redacted] controlled the suspect, however, he could not recall who actually handcuffed the suspect.

Deputy Reynaga was asked why he believed that the suspect possibly had a gun and he said, "As soon as I saw him running and screaming, and I saw him collapse, I had already, in the back of my mind was already thinking, this guy had a gun... he got out of the car... they shot him... and now from the gunshot wounds he collapsed. And when I get there, struggling to get his hands from underneath him, that even more reassures my thought even more, hey this guy is trying either take out a gun or trying to conceal it or whatever. He's not giving up his hand." Deputy Reynaga acknowledged that neither Deputies [redacted] or [redacted] ever say that the suspect had a gun.

Deputy Reynaga said that the reason that the punched the suspect in the side of the face two to three times was because he believed that the suspect had a gun.

Deputy Reynaga said it was about an hour after the incident, that he reported his force to Sergeant Meeder.

Deputy Reynaga said that he did not use any other force on the suspect. He did not see any deputy strike or kick the suspect, nor was the suspect struck after he was handcuffed.

WITNESSES STATEMENTS:

Sworn:

> **IAB Note:** All sworn witnesses in this case refused to talk with IAB investigators at the time of the incident. They were all interviewed at the Internal Affairs Bureau at a later date with their attorney.

DEPUTY JORGE MEZA

Deputy Meza told Internal Affairs Bureau investigators that at the time of the incident, he was assigned to Century Station. He was working a two person car in Unit 217A, and Deputy Hugo Reynaga was his partner. Deputy Meza was the driver. He started his shift at [redacted] hours.

Deputy Meza gave the following account of the incident to IAB investigators:

Deputy Meza related that near the end of the Surveillance Mode, Aero advised that the suspect was traveling eastbound on 53rd Street with the passenger door open and suspects appeared to be getting ready to jump from the car. Deputy Meza turned on 52nd Street, which is one street north of 53rd Street, in case the suspect ran north. Deputy Meza heard Aero advise that the suspect was running northbound, so Deputy Meza stopped at 52nd Street, just west of McGarry Street. Deputy Meza said his partner, Deputy Reynaga jumped from their patrol car and ran toward the east side of an apartment building and Deputy Meza ran toward the west side. The apartment building was just north of the suspect's last location. Deputy Meza said at this point, he did not know the location of the suspect. As Deputy Meza was moving toward the east side of the apartments he heard Aero

advise that the suspect was in custody. He then walked around the apartment and toward the position of the suspect and deputies and saw Deputy [redacted] escorting the handcuffed suspect.

Follow-up Questions:

Deputy Meza said that he and his partner were the second unit behind the suspect during the pursuit. Deputy Mesa was asked the reason for the pursuit and he said, "At that time it came out 10-29 V and a reckless deuce, I believe. He was then asked if that was what he actually heard on the radio at the time of the incident or what he heard after the fact and he said, "After the fact." He was then asked what he believed the reason for the pursuit to be at the time of the pursuit and he replied, "I think it was reckless deuce." He added that he assumed it was also a stolen vehicle since he heard there were no plates on the car.

Deputy Meza said the pursuit lasted approximately one minute. Once the pursuit was cancelled and the Surveillance Mode began, Deputy Mesa said he turned off his red lights and siren. He did not follow the suspect's vehicle once the pursuit went into the Surveillance Mode. Deputy Meza said he only paralleled the suspect.

Deputy Meza said he did not see the suspect stop or fall down. According to Deputy Meza, he did not witness the actual arrest of the suspect, nor did he witness any force used by any deputy. The only thing he saw was Deputy [redacted] getting the suspect up off the ground.

According to Deputy Meza, it was approximately fifteen to twenty seconds between the time the suspect stopped to the time he first saw the suspect in custody. Deputy Meza said he did not see Deputy Reynaga use force on the suspect.

Refer to Exhibit E-Supplemental Report written by Deputy Meza

DEPUTY JESUS ROJAS

Deputy Rojas told Internal Affairs Bureau investigators that at the time of the incident, he was assigned to Century Station. He was working a two person car in Unit [redacted], and Deputy [redacted] was his partner. Deputy Rojas was the driver. He started his shift at [redacted] hours.

Deputy Rojas gave the following account of the incident to IAB investigators:

Deputy Rojas heard Deputy [redacted] on the patch regarding a stolen vehicle. Deputy Rojas and his partner drove to the area. A short time later and while still driving to the area, they were ordered to go into a Surveillance Mode. Deputy Rojas said he went into a Surveillance Mode and paralleled the suspect by direction of the Aero Unit.

Deputy Rojas said he continued to parallel until he arrived at Holmes Avenue, just north of Gage Avenue. The suspect was in front of them and his car appeared to be slowing down and smoking.

Deputy Rojas saw the driver's side door of the suspect's car open as if the suspect was going to jump from the car; however, the suspect continued driving. Once the suspect reached 53rd Street, the passenger side door opened. Deputy Rojas said, "I... believing that there was a second suspect, I came all the way on him and we 417'd from inside the vehicle, drew our weapon. As we came closer to him, we could see there was a lot of movement in the vehicle. He kept moving from side to side and as he turned onto McGarry from 53rd Street, he bailed. He jumped out of the passenger's side of the vehicle, rolling into the street. Literally jumped, I saw feet, hips, head, everything out of the car, out of the passenger door." Deputy Rojas saw the suspect roll on the ground "a couple of times" and started running. Deputy Rojas said he then turned is attention on the suspect's car, believing there was a second suspect inside. The suspect's car hit a parked car. As the suspect's car continued northbound, the suspect ran in front of his (suspect's) moving car and was hit by the moving car. The suspect fell down again, got up and started running again. At this point, Deputy Rojas' partner, Deputy [redacted], had jumped from the patrol car and started chasing the suspect.

Deputy Rojas said he exited his patrol car and he covered the suspect's car. Once he cleared the car, Deputy Rojas started to run and as he was on his second or third step, he felt his knee go out. He described it as, "Like it folded backward." Deputy Rojas then stopped running. He saw his partner "disappear" behind the patrol car. Deputy Rojas said he then walked up and saw several deputies on the suspect, taking him into custody.

Follow-up Questions:

When specifically asked, Deputy Rojas said he never went into pursuit of the suspect, nor did he ever activate his red lights or siren. Deputy Rojas said that he did not see any deputies in pursuit of the suspect.

> **IAB Note:** At this point, Deputy Rojas corrected his statement and said that initially, when they first started to respond, they did so Code 3. They then shut-down their Code 3 response when it went into the Surveillance Mode.

It was Deputy Rojas' belief that originally, they were responding to assist on a pursuit of a stolen vehicle. He did not recall if he heard if the vehicle was a confirmed stolen or possible stolen.

Deputy Rojas recalled at least one patrol car behind him at the termination of the Surveillance Mode.

Deputy Rojas said that he did not use any force on the suspect. Deputy Rojas was asked to explain what he meant in his Supplemental Report, "I saw several deputies converge in front of [redacted] McGarry Street." Deputy Rojas said, "When I got out of the vehicle, after I cleared the suspect's vehicle, and I came out, this time I was limping, so I got out a little slow. I saw my partner (Deputy [redacted]) was on the ground, on the suspect's left side." "The suspect's head was facing west and his feet were facing east, obviously. And [redacted] was on his left side of his body. By the time I got there, he was already hooked."

Deputy Rojas said he did not see any deputy strike or kick the suspect in any way. He did not see the suspect fight or struggle. The suspect was already handcuffed by the time Deputy Rojas walked up. Deputy Rojas said he did not hear the suspect say anything, nor did he recall hearing the suspect scream.

Deputy Rojas was asked if he ever had any reason to believe the suspect had a gun and he answered, "Just the movements and having been out there for a little bit. His movements were erratic inside the vehicle. Several times when he would turn or look and he would do things like by the car. Many times I thought he had a gun, which is why, when we turned onto 53rd, I was gun drawn outside the car, my door was open and I... my weapon was out, pointing toward this guy."

Deputy Rojas said there was no discussion with the other deputies at the scene regarding the possibility that the suspect had a gun.

Deputy Rojas said that he was about twenty to twenty-five feet behind the suspect's car when the suspect jumped out of it.

Deputy Rojas reported his injured knee to Sergeant Rivas at the scene and later to Sergeant Meeder. He also advised Sergeant Meeder that he didn't witness any use of force on the suspect.

Refer to Exhibit F-Supplemental Report written by Deputy Rojas

DEPUTY [redacted]

Deputy [redacted] told Internal Affairs Bureau investigators that at the time of the incident, he was assigned to Century Station. He was working a two person car in Unit [redacted], and Deputy Martin Rojas was his partner. Deputy Martin Rojas was the driver. He started his shift at [redacted] hours.

Deputy [redacted] gave the following account of the incident to IAB investigators:

He recalled that Deputies [redacted] and [redacted] run a plate and got a 10-29V. [redacted] and [redacted] went Code 9 and requested units to assist. Prior to any units arriving, the vehicle started to evade Deputies [redacted] and [redacted]. They went into pursuit and an Aero Unit arrived. They then went into a Surveillance Mode. Deputy [redacted] and his partner paralleled the suspect's car, which drove into the Pueblo Housing area, where the suspect exited his car and ran. Deputy [redacted] and his partner were at the 4600 block of Long Beach Avenue, which is several blocks away. Deputy [redacted] said he did not actually see the suspect stop and run.

Follow-up Questions:

Deputy [redacted] was asked what he observed once he arrived at the suspect's location and he said he saw the suspect already in the back seat of a patrol car.

Paramedics were requested and responded and treated the suspect at the scene. Deputy [redacted] and his partner were requested to escort the suspect in the ambulance to White Memorial Hospital. While at the hospital, Deputy [redacted] and his partner stood by while the suspect was x-rayed and treated. They received an approval to book the suspect by Doctor Mel Webb. The doctor told them that the suspect had received a sprain to his left elbow and fracture to his left cheek.

Deputy [redacted] said that a sergeant did not respond to the hospital at the time that he was there.

Deputy [redacted] did not discuss the incident with the doctor. Deputy [redacted] said his only purpose at the hospital was to get an "okay" to book.

Deputy [redacted] did not talk with the suspect about the incident.

Refer to Exhibit G-Supplemental Report written by Deputy Navarro

ADDITIONAL STATEMENTS

SERGEANT BRIAN MEEDER

Sergeant Meeder was interviewed by Sergeant Elier Morejon and Lieutenant Stacy Lee on September 11, 2004, at 1555 hours, at Century Station.

Sergeant Meeder told Internal Affairs Bureau investigators that at the time of the incident, he was assigned to Century Station. He was working as the Field Sergeant in Unit 216S. His area covered the north end of the Firestone area. He started his shift at [redacted] hours.

Sergeant Meeder gave the following account of the incident to IAB investigators:

Sergeant Meeder said that he was at St. Francis Hospital on an unrelated incident with Sergeant Rivas, when he overheard radio traffic by Deputy [redacted]. Deputy [redacted] said that he was Code 9, behind a 10-29V. Sergeant Meeder said that he immediately left the hospital and responded to the area of the Code 9. Approximately ninety seconds later, the Code 9 "elevated" into a pursuit of a stolen vehicle. Approximately ninety seconds later, an Aero unit took control of the pursuit. The Watch Commander directed the pursuing units to maintain a Surveillance Mode on the suspect, while the Aero unit followed the suspect.

At the time the Watch Commander ordered the Surveillance Mode, Sergeant Meeder was in "eye-sight" of the suspect's vehicle. The suspect was coming from the opposite direction at the time. Sergeant Meeder made a U-turn and saw the pursuing vehicles "fan out" away from the suspect and into a Surveillance Mode. Sergeant Meeder could not identify the units that were initially behind the suspect due to his position and direction of travel.

A short time later, Sergeant Meeder heard over the radio that the suspect pulled into an industrial area and jumped from his moving vehicle. Sergeant Meeder did not actually observe the suspect jump from the car.

Sergeant Meeder said that by the time he arrived at the terminus of the pursuit, the suspect was already in custody and in the back seat of a patrol car. Sergeant Meeder estimated that it took him approximately twenty-five to thirty seconds to arrive at the terminus of the pursuit once he heard over the radio that the suspect was in custody.

Sergeant Meeder checked on the welfare of the deputies, then he retrieved his video camera. He then attempted to conduct an interview of the suspect. The suspect was holding his left arm and appeared to be in pain. He was handcuffed in front. The suspect appeared lethargic and his speech was slurred. The suspect was slow in answering questions. According to Sergeant Meeder, the suspect was not communicating very well and the only information that Sergeant Meeder was able to obtain from the suspect was that someone had punched the suspect in his face. The suspect appeared to be under the influence of drugs. At that point in the interview, paramedics had arrived and Sergeant Meeder concluded the interview.

> **IAB Note:** The canvass for possible witnesses and the condition of the suspect's car and scene were also recorded on video tape. It was during the review of this video that discrepancies where discovered between the condition of the suspect's vehicle and what was reported in the Incident Report by [redacted] and [redacted], thus resulting in an independent criminal investigation by ICIB. **Refer to Exhibit M-Video tape of suspect interview, area canvass, scene and suspect's vehicle**

When asked what force was related to him, Sergeant Meeder said, "Basically, the suspect got out of the vehicle through the passenger side, tumbled, then he ran away from the deputies that were behind his car and [ran] in front of his car, where he either tripped into his car or his car hit him, knocking him down again. He got up and continued to run westbound across the street and he tripped a third time and went down and on that third time he went down, he landed on his stomach with his right arm out in front of him and his left arm underneath him. The deputies were able to get on top of him at that point without him going any further."

When asked what specific force was reported, Sergeant Meeder said that Deputy [redacted] put his knee in the suspect's buttocks area and placed the handcuffs on the suspect. Deputy [redacted] pulled the suspect's arm out from under his stomach and placed it behind the suspect's back. Later at the station, Deputy Reynaga told Sergeant Meeder that he (Reynaga) had punched the suspect in the face.

> **IAB Note:** Sergeant Meeder explained that while at the scene, units were requested to handle calls. Deputy Reynaga left the scene and responded to handle additional calls for service. About an hour later, and while at the station, Deputy Reynaga contacted Sergeant Meeder and reported his force.

Regarding the broadcast of the stolen vehicle, Sergeant Meeder said that he heard Deputy [redacted] on the radio say, "It's going to be a poss..." Sergeant Meeder said that it sounded like Deputy [redacted] was about to say, "possible." After a pause, Deputy [redacted] said, "Actually, it's going to be a 10-29V." Later, Sergeant Meeder said he heard SCC broadcast that the car was a "10-29V," so he "assumed" it was a confirmed stolen vehicle. Sergeant Meeder added that if thought it was only a possible stolen vehicle, he would have cancelled the pursuit.

Sergeant Meeder added that at the conclusion of the incident, the Watch Commander ordered all involved units back to the station for a de-briefing. Sergeant Meeder directed Deputy Gaunt to stay at the scene and handle the recovery of the stolen vehicle and the traffic collision. He also directed Sergeants Malone and Rivas to canvass the neighborhood for possible witnesses. No witness were located.

Civilian:

None

SUSPECT STATEMENTS:

OSCAR RODRIGUEZ

Suspect Rodriguez was interviewed at Century Regional Detention Facility on September 11, 2004, at 1644 hours by Sergeant William Hines and Lieutenant Stacy Lee. He agreed to talk to investigators about the incident and his arrest. The interview was tape recorded and summarized as follows:

Suspect Rodriguez said that he was arrested outside of the car, while he was down on the ground. He said he went down on the ground voluntarily. He said at that time, "everybody started jumping on me." He did not know how many deputies there were, but he estimated about twenty deputies, then changed the estimate to about nine or ten. Suspect Rodriguez said that he was face down on the ground and did not know how many deputies actually touched him. Suspect Rodriguez said the only order he heard from the deputies was "don't run." He said he voluntarily put his hands behind his back. The first thing he felt was a deputy grabbing his left hand and jumping on him. The deputy then "cracked" his arm. Suspect Rodriguez said, "I don't know how did it, but he cracked it." He added that his elbow was dislocated.

Suspect Rodriguez explained that the deputy pulled his hand "all the way back." He then told the deputy, "Hey, you hurt me." And the deputy told him, "Shut up." He further explained that the "crack" was the sound that he heard when the deputy pulled his hand back. He described it as the same sound you hear as when you crack your knuckles.

Suspect Rodriguez said his right hand was behind his back at the same time. While face down on the ground with his hands behind his back, Suspect Rodriguez felt three or four punches on the left

side of his face. He said he did not get punched anywhere else on his body. Suspect Rodriguez could not describe the deputy that punched him in the face. Suspect Rodriguez later said that he also felt a knee on the back of his neck.

When asked if he resisted in any way, Suspect Rodriguez said, “Yes, I was running.” While on the ground, Suspect Rodriguez said he did not resist.

When asked, Suspect Rodriguez said he was not hit with a flashlight or anywhere else on his body.

He was eventually handcuffed in front of his body because of the pain in his arm. At the time, he said he was screaming that his arm hurt.

Regarding the punches in the face, Suspect Rodriguez believed that only one deputy punched him, but he was not certain.

Suspect Rodriguez was asked if his left arm had been injured prior to his arrest and he said no; however, he explained that he had been in a fight about a year prior and his left shoulder had been dislocated.

When asked what happened between the time he stopped his car and when the deputies pulled his arm, Suspect Rodriguez said he jumped from the passenger side of the car and started running to the sidewalk. He then gave up and went on the ground. He said he never fell down while running and he was never hit by the car.

Near the end of the interview, Suspect Rodriguez voluntarily admitted that at the time of his arrest he was under the influence of cocaine.

[redacted]